

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH HIBBLER,)	3:11-cv-00067-LRH-VPC
)	
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
v.)	
)	
STATE OF NEVADA, <i>et. al.</i> ,)	
)	April 19, 2013
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is defendant Rexwinkle's "motion to strike plaintiff's response to defendant's reply in support of motion to dismiss" (#74).¹ Plaintiff did not file an opposition. Defendant Rexwinkle asks the court to strike plaintiff's response ("sur-reply") (#73) to defendant's reply in support of her unenumerated 12(b) motion to dismiss, or in the alternative, motion for summary judgment (#56) on the grounds that this document does not comport with Local Rule ("LR") 7-2.

LR 7-2 provides for the filing of a motion, an opposition, and a reply. Defendant Rexwinkle is correct that LR 7-2 does not provide for the filing of a sur-reply or supplemental brief, and plaintiff did not seek leave of the court to do so. However, the court notes that plaintiff is a *pro se* litigant who did not file a reply to his own motion for summary judgment (#55). Accordingly, the court will exercise its discretion and consider plaintiff's sur-reply (#73) in the resolution of this matter. See *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995) (district court possesses inherent authority over the administration of its business).

¹ Refers to the court's docket numbers.

